REMARKS / ARGUMENTS

Please note that the amendments to the amendments provided above are offered to further clarify the scope of several of the claims, 1, 27, 30, 35-38, 40, 44-45, and 49-52, in view of an Applicant initiated Examiner Interview conducted on March 8, 2004 between the Examiner of Record, Ms. Lê V. Nguyen, the Examiner's Supervisor, Ms. Kristine Kincaid, and the Attorney for the Applicants, Mr. Mark A. Watson. In particular, in view of the Examiner's stated positions during the Examiner Interview of March 8, 2004, and in view of the interpretation of those claims offered in the final Office Action of January 12, 2004, the Applicants believe that the claims as originally drafted were not well understood. Consequently, 1, 27, 30, 35-38, 40, 44-45, and 49-52 have been amended to better clarify the scope of those claims. *No new matter has been introduced as a result of the above-listed amendments to the claims, and no new search is required.*

This application is believed to be in condition for allowance because the claims, as amended, are believed to be non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. Therefore, in view of the following reasoning for allowance, the applicants hereby respectfully request further examination and reconsideration of the subject patent application.

1.0 Applicant Initiated Examiner Interview:

During the aforementioned Examiner interview of March 8, 2004, the Examiner's stated position was that Smith, et al., (U.S. Patent No. 5,923,327, hereinafter "*Smith*") fully disclosed the Applicants claimed invention with respect to independent claims 1, 27 and 45.

In particular, with respect to independent claims 1 and 27, Examiner argued that *Smith* described a "*set arrangement to be displayed such that the name field is a precursor to the number field.*" Examiner explained that this *set arrangement* was the same as the Applicants claimed system for "*automatically arranging the position of*

*displayed data objects **based on a priority associated with each data object**"* where the arrangement included *"filling available space on the computer display device with the data objects in order of higher priority to lower priority, with lower priority data objects being displayed only when available space exists on the computer display device."* The Examiner further explained that both the name field and the number field described by **Smith** included an **associated priority** because the computer programmer who wrote the software code enabling the **Smith** system had somehow determined that the **name field** should be placed in front of the **number field** in the **"set arrangement,"** and that this determination gave a "priority" to each of the name and number fields.

Attorney for Applicant strongly disagreed, and explained that the Examiner had admitted that **Smith** disclosed a **"set arrangement,"** and that some computer programmer's determination of how to prearrange data fields in that **set arrangement** could not possibly be considered to be an **automatic priority based arrangement** as disclosed and claimed by the Applicant. Further, attorney for Applicant further explained that merely predefining a **fixed layout** failed completely to associate any priority whatsoever with the data fields included in that **fixed layout**.

In response, the Examiner argued that the elements of Applicants independent claims 1 and 27 were the same as the system disclosed by **Smith**, and that **Smith** clearly disclosed the claimed elements based on the Examiner's interpretation of the **Smith** reference. The Examiner reiterated the position that a **set fixed arrangement of a name and a number field** was a **priority-based automatic arrangement of data fields** as disclosed and claimed by the Applicants simply because some computer programmer had determined at the time that the **Smith** system was programmed that the name field should precede the number field.

The Examiner and the Attorney for the Applicant failed to reach any agreement as to a reasonable interpretation of the **Smith** reference.

With respect to independent claims 45, Examiner again argued that **Smith** described a "***set arrangement to be displayed such that the name field is a precursor to the number field***." Examiner argued that this **set arrangement** was the same as the Applicants claimed system for "dynamically displaying a subset of at least one data element from a set of data elements on a computer display device."

The Examiner further argued that **Smith** disclosed the Applicants' claimed element of "***assigning a priority to each data element***" because the computer programmer who wrote the software code enabling the **Smith** system had determined that the **name field** should be placed in front of the **number field** in the "**set arrangement**," and that the computer programmer had "***used a software program to assign this priority***."

Examiner then argued that the **Smith** reference disclosed automatically "***sorting data elements in order of highest priority to lowest priority***" as disclosed and claimed by the Applicants, because **Smith** automatically "***sorted the name field and the number field in the background***" when "***automatically arranging***" the "***set arrangement***" of the name field and the number field to populate the display device disclosed by **Smith**.

Attorney for Applicant strongly disagreed, and explained that the Examiner's position regarding **Smith's** alleged priority-based "background sorting" of data elements was completely without support or foundation in the **Smith** reference, and that such an interpretation was unreasonable broad. In particular, Attorney for Applicant explained that a simple population of the predefined and pre-positioned name and number fields in the "***set arrangement***" of the **Smith** system failed to sort anything at all. Attorney for Applicant further explained that since the programmer had ***predetermined*** the positions of those two fields (as admitted by the Examiner), that there was ***no actual priority that could be sorted***, and ***no automatic arrangement based on any priority-based sorting***.

In response, the Examiner argued that the elements of Applicants independent claims 45 were the same as the system disclosed by **Smith**, and that **Smith** clearly disclosed the claimed elements based on the Examiner's interpretation of the **Smith**

reference. Examiner reiterated that the population of the *fixed name and number fields* in the "*set arrangement*" as disclosed by *Smith* clearly involved a "background sorting" of "*prioritized*" name and number fields (corresponding to the Applicant's claimed "data elements") with that priority-based "background sorting" then being used in an *automatic arrangement* of those data elements as disclosed and claimed by the Applicant.

The Examiner and the Attorney for the Applicant failed to reach any agreement as to a reasonable interpretation of the *Smith* reference.

2.0   Rejection Under 35 U.S.C. §102(b):

In the Final Office Action of January 12, 2004, claims 1-2, 23, 27-28, 31, 33-35, 42, 45-46 and 55 were rejected under 35 U.S.C. §102(b), as being anticipated by Smith, et al., (U.S. Patent No. 5,923,327, hereinafter "*Smith*"). A rejection under 35 U.S.C. §102(b) requires that the Applicant's invention was described in a printed publication more than one year prior to the date of application for patent in the United States. To establish that a patent describes the Applicant's invention, *all of the claimed elements of an Applicant's invention must be considered, especially where they are missing from the prior art*. If a claimed element is not taught in the referenced patent, then a rejection under 35 U.S.C. §102(b) is not proper, as the Applicants' invention can be shown to be patentably distinct from the cited reference.

2.1   Rejection of Independent Claims 1, 27 and 45:

The Office Action rejected independent claims 1, 27, and 45, under 35 U.S.C. §102(b), based on the rationale that the *Smith* reference discloses each of the elements of the Applicant's claimed "...system for automatically displaying data objects on a computer display device...". However, as discussed in the Applicants prior response, and as explained during the Examiner interview of March 8, 2004, the Applicant believes that intended scope of independent claims 1, 27, and 45 differs substantially from the interpretation of those claims advanced by the final Office Action. However, the Applicant

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has amended those claims so as to better clarify the scope of those claims. In addition, dependent claims 30, 35-38, 40, 44, and 49-52 have been amended to correspond to amendments to independent claims 1, 27, and 45, respectively. Therefore, in view of the following discussion, the Applicants respectfully request further examination and reconsideration of the rejection of claims 1-2, 23, 27-28, 31, 33-35, 42, 45-46 and 55 under 35 U.S.C. §102(b).

In particular, with respect to independent claim 1, the Office Action suggests that **Smith** "teaches a system for automatically displaying data objects on a computer display device comprising dynamically populating the display device with at least one of the data objects wherein the dynamic population of the display device comprises automatically arranging the position of displayed data objects based on a priority associated with each data object..." The Office Action offers Fig. 12A and col. 8, lines 25-28 in support of this suggestion. However, Fig. 12A merely illustrates a sample screen for creating an Electronic Business Card (EBC) using Caller ID (CLID) information received during a telephone call. For example, in col. 8, lines 24-33, **Smith** describes Fig. 12A as follows:

> "Referring to FIG. 12A, screen 1210 is an exemplary display, consistent with the present invention, of *when the user receives a call from a caller. CLID information, "Bobby Bonito" and "738-9157," appears in the name and number fields, respectively.* The user, while on the phone with the caller, *may select an information icon 1211 to display the EBC associated with the caller.* Upon selection, program 520 searches either the name or telephone field of stored EBCs to locate the match. If program 520 finds a match, program 520 displays the corresponding EBC." (emphasis added)

Clearly, **Smith** is describing populating *predefined* fields with information received from a CLID system. Further, **Smith** explains that the user can then manually select an "information icon" for displaying an Electronic Business Card associated with the person identified by the CLID system. In general, it appears that **Smith** is merely describing *populating* the predefined fields rather than *automatically arranging* either the

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information in the predefined fields or the predefined fields themselves. In fact, rather than automatically arranging any data objects, **Smith** either provides for predefined fields populated by the CLID system, or user defined and populated fields that are then displayed in a predefined or user defined order, with associated predefined or user defined icons. Further, as admitted in the final Office Action, **Smith** teaches a "set arrangement" of a name and number field.

In addition, the Office Action offers the **Smith** scrolling capability and automatic compression and expansion features (col. 3, lines 13-15 and col. 7, lines 17-19) as describing "filling available space on the computer display device with the data objects in order of higher priority to lower priority, with lower priority data objects being displayed only when available space exists on the computer display device." However, **Smith** explains in col. 9, lines 34-39, "*If the scroll key is pressed and held* for a continuous scroll (step 1410), *program 520 displays a compressed view of the name list in display 340* (step 1415). In one embodiment of the present invention, the compressed view displays only the name field of the name list as shown in screen 1510 of FIG. 15A" (emphasis added). Thus, it should be clear that the **Smith** user selectable expansion and compression via manual selection of a scroll key fails to disclose any prioritized population of a display device as claimed by the Applicants.

In fact, as noted above, rather than providing for priority-based population of the display, the **Smith** reference simply provides for scrolling of the display window to show information that does not fit within the available space of the display. For example, as described in col. 7, lines 17-20, "*If display 340 cannot display the full screen, program 520 displays scroll buttons 821 and 831 for the user to scroll the display up or down* by simply touching scroll buttons 821 and 831" (emphasis added). Thus, it should be clear that **Smith** does ***not*** provide for priority-based automatic arrangement of data objects within a display window.

Further, as explained in the Applicants' previous response, **Smith** simply fails to consider a priority at all. Further, as explained by the Applicants during the Examiner

interview of March 8, 2004, some computer programmer's *set arrangement* of a name and number field is not a priority-based arrangement.

In particular, the *Smith* approach involves simply populating a scrollable view window with all available information, regardless of any priority, and then allowing a user to scroll the window to display information that does not fit within the current view. Further, the simple field *population* described by *Smith* does not appear to be in any way *priority-based*. In fact, the word *"priority"* cannot be found at all in the entire *Smith* reference.

Consequently, the suggestion by the Office Action that *Smith* discloses automatically arranging data objects based on some undefined "priority" appears to have no support whatsoever in the *Smith* reference. Therefore, the Applicants respectfully suggest that *Smith* is incapable of <u>*automatically associating a priority*</u> *with each data object in a set of data objects* because, as admitted by Examiner during the Examiner Interview of March 8, 2004, some computer programmer "determined that it was a higher priority to place the name field in front of the number field." The Applicants respectfully suggest that this *programmer assigned positioning of name and number fields* fails completely to disclose any *automatic assignment of priorities* to data objects as disclosed and claimed by the Applicants.

However, in an attempt to more fully characterize the Applicants' claimed invention, claim 1 has been amended to recite additional limitations also not disclosed by *Smith*. In particular, claim 1, as amended, now includes a limitation whereby the display device is dynamically populated "*by <u>automatically arranging a position</u> of at least one data object within a visible display area of the display device beginning with a data object having a highest priority*;" and wherein the "<u>*automatically arranged position*</u> *of data objects within the visible display area is <u>not predefined</u>*" (emphasis added).

Clearly, as admitted by the Office Action, *Smith* discloses a *"set arrangement"* of a name and number field. The actual positions of the data fields in this *set arrangement* are therefore predefined by some computer software programmer, as admitted in the final

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Office Action, and as admitted by the Examiner during the aforementioned Examiner Interview. Therefore, **Smith** can not possibly also disclose an **automatic arrangement** of data objects in an area of the display when the positions of the data fields are **not predefined**.

For example, the Applicant's discuss the automatic priority-based arrangement of the position of data objects on page 16, lines 17-29. In particular, the Applicants explain:

> "...the display manager module 420 automatically and dynamically populates the display device 430 with as many of the data objects as will fit within a window on the display device. Thus, **depending upon the amount of data and the size of the window, either all, or a portion of the data is displayed**. The **arrangement and population of the display is based on the priority of each individual data object such that an existing data object having the highest priority is displayed first, with lower priority data objects being arranged and displayed as space within the window permits**. As discussed above, data **objects that do not have any available data or information, i.e. they are unpopulated, are simply not displayed**. The display manager module 420 automatically and dynamically changes the arrangement or layout of the displayed information as information having a higher priority than that already displayed becomes available, or as data objects are edited or deleted..." (emphasis added)

Clearly, unlike the Applicants' claimed priority-based object arrangement and display process, **Smith** simply populates predefined or user definable information fields in a scrollable window on a conventional display device. In contrast, the Applicants claimed system provides for dynamic window population based on both **object priority** and **available space on the computer display device**.

Consequently, with respect to independent claim 1, the Applicants respectfully suggest that the **Smith** reference fails to teach one or more of the elements of the

Applicants' claimed invention. Thus, the present invention, as claimed by independent claim 1, as amended, has elements not taught in the *Smith* reference. Consequently, the rejection of claim 1 under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully requests reconsideration of the rejection of claims 1, 2 and 23 under 35 U.S.C. §102(b) in view of the language of claim 1, as amended, which recites the following novel language:

"A system for automatically displaying data objects on a computer display device comprising:

automatically associating a priority with each data object in a set of data objects;

dynamically populating the display device by automatically arranging a position of at least one data object within a visible display area of the display device beginning with a data object having a highest priority;

wherein the automatically arranged position of data objects within the visible display area is <u>*not predefined*</u>; and

continuing to dynamically populate the display device by continuing to automatically arrange a position of one or more of the data objects having a next highest priority until available space within the visible display area of the display device has been filled with data objects." (emphasis added)

Similarly, in view of the preceding discussion, the Applicants also respectfully suggest that the *Smith* reference fails to teach one or more of the elements of the Applicants' claimed invention related automatic priority-based arrangement of data elements within a *non-predefined layout* in a display area, as disclosed and claimed in independent claim 27. Thus, the present invention, as claimed by independent claim 27, also has elements not taught in the *Smith* reference. Consequently, the rejection of claim 27 under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 27, as amended, and thus of dependent claims 28, 31, 33-35 and 42 under 35 U.S.C. §102(b) in view of the language of claim 27 which recites the following novel language:

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"A computer-implemented process for automatically displaying contact information for contacts in an electronic address book, comprising:

selecting a contact in the electronic address book via a user interface, said contact including at least one element of contact information, and *wherein each contact element includes an associated priority*;

providing a display area within a computer display device for displaying one or more elements of the contact information, and *wherein a layout of displayed elements of the contact information within the display area is not predefined*;

automatically determining and arranging a position of at least one of the-elements of the contact information within the display area for dynamically generating a priority-based layout of contact elements within the display area, using individual elements of the contact information *in order of higher priority to lower priority*, with lower priority elements of the contact information being displayed only when available space exists within the display area." (emphasis added)

Finally, in view of the preceding discussion, and in view of the above-summarized Examiner Interview of March 8, 2004, the Applicants also respectfully suggest that the *Smith* reference fails to teach one or more of the elements of the Applicants' claimed invention related automatic assignment of priority, *priority-based sorting*, and generation of a non-predefined layout of the sorted data elements based on the automatically assigned priorities. Thus, the present invention, as claimed by independent claim 45, also has elements not taught in the *Smith* reference. Consequently, the rejection of claim 45, as amended, under 35 U.S.C. §102(b) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 45, as amended, and thus of dependent claims 46 and 55 under 35 U.S.C. §102(b) in view of the language of claim 45 which recites the following novel language:

A computer-readable medium having computer executable instructions for dynamically displaying a subset of at least one data element from a set of data

elements on a computer display device, said computer executable instructions
comprising:

> **automatically assigning a priority to each data element**,
>
> **sorting the data elements in order of highest priority to lowest priority**,
>
> providing a display area within a computer display device for displaying one
or more of the data elements, and **wherein a layout of displayed elements of the
contact information within the display area is <u>not predefined</u>**; and
>
> **automatically generating a layout for arranging and displaying as many
of the data elements as will fit within the display area** in order of **highest
priority to lowest priority**, and wherein the displayed data elements comprise the
displayed subset of at least one data element. (emphasis added)

3.0   Rejections Under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, claims 3-19, 32, 36-39, 47-49, and 50-52 were
rejected under 35 U.S.C. §103(a) as being unpatentable over the **Smith** reference in view
of Baldwin, et al. (U.S. Patent No. 6,496,201 B1, hereinafter "**Baldwin**").

In order to deem the Applicant's claimed invention unpatentable under 35 U.S.C.
§103(a), a prima facie showing of obviousness must be made. However, as fully
explained by the M.P.E.P. Section 706.02(j), to establish a prima facie case of
obviousness, three basic criteria must be met. First, **there must be some suggestion or
motivation**, either in the references themselves or in the knowledge generally available to
one of ordinary skill in the art, **to modify the reference** or to combine reference teachings.
Second, there must be a reasonable expectation of success. Finally, **the prior art
reference (or references when combined) must teach or suggest all the claim
limitations**.

Further, in order to make a prima facie showing of obviousness under 35 U.S.C.
103(a), all of the claimed elements of an Applicant's invention must be considered,
especially when they are missing from the prior art. If a claimed element is not taught in

the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

3.1 Rejection of Claims 3-6:

The Office Action rejected dependent claims 3-6 based in part on the rationale that "Smith teaches a system for automatically displaying data objects on a computer display device wherein the priority associated with each data object is based on a pre-designated priority list." The Office Action offers Fig. 12A and col. 8, lines 25-28 of *Smith* in support of this argument.

However, as discussed above with respect to the rejection of claim 1, and as explained during the Examiner Interview of March 8, 2004, *Smith* simply does *not assign priorities* to particular data objects. In fact, as noted above, However, Fig. 12A merely illustrates a sample screen for creating an Electronic Business Card (EBC) using Caller ID (CLID) information received during a telephone call, while col. 12, lines 25-28 merely explains that "*when the user receives a call from a caller. CLID information, "Bobby Bonito" and "738-9157," appears in the name and number fields, respectively.*" The Applicants respectfully suggest that the cited figure and the cited text fail completely to disclose the use of prioritized data objects or a pre-designated priority list. In fact, the clear meaning of the cited figure and the cited text appears to be that predefined fields within a display window may be populated with Caller ID information.

With respect to claim 3, the Office Action then continues stating that "Smith does not explicitly disclose a system for automatically displaying data objects in a computer display device wherein the priority associated with each data object is changeable." The Office Action then continues by arguing that *Baldwin* discloses "automatically arranging the position of displayed data objects based on a priority associated with each data object

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wherein the priority associated with each data object is based on a pre-designated priority list. The Office Action offers Fig. 3 and col. 4, line 57 through col. 5, line 10 in support of this argument.

However, as noted above with respect to the rejection under 35 U.S.C. §102(b) of independent claim 1, which is the parent claim of claim 3, *Smith* fails to teach or describe at least one of the elements of the Applicants claimed invention. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying *Smith* to provide a capability to maintain a frequent contact list as described by *Baldwin* still fails to teach the underlying automatic priority-based arrangement of data objects of the Applicants claimed invention. Consequently, modifying the *Smith* reference in an attempt to address a particular feature of a dependent claim cannot serve to disclose the Applicants claimed invention where the *Smith* reference relied on by the Office Action fails to disclose the parent claim.

Similarly, with respect to claims 4-6, because *Smith* fails to disclose a priority-based automatic arrangement of data objects, the use of *Baldwin* in an attempt to address particular features of dependent claims cannot serve to disclose the Applicants claimed invention where the *Smith* reference relied on by the Office Action fails to disclose the parent claim.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 3-6 under 35 U.S.C. §103(a) over *Smith* in view of *Baldwin* in view of the non-obviousness of claim 1, as cited above.

3.2   Rejection of Claim 7:

The Office Action rejected dependent claim 7 under 35 U.S.C. §103(a) based on the rationale "Smith teaches a system for automatically displaying data objects on a computer display device wherein the dynamic population of the display device further comprises not displaying data objects that do not contain data. The Office Action offers Fig. 18B of the *Smith* reference in support of this argument.

However, *Smith* discusses Fig, 18B in col. 11, lines 41-48 as follows:

> "If the user selects "Save" icon 1811, program 520 automatically incorporates the fields of the received EBC into the corresponding fields of a new EBC in table 600. For example, "Bobby Bonito" is automatically saved in the name field of the new EBC. After program 520 saves the new EBC in either memory 440 or at a central location, program 520 displays a name list view of the new entry as shown in screen 1820 of FIG. 18B."

Clearly, in accordance with this discussion, and in view of the description of Fig. 18B provided in col. 4, lines 12-13 as showing a sample screen for receiving an Electronic Business Card, Fig. 18B fails to support the argument offered by the Office Action. In particular, the Applicants respectfully suggest that Fig. 18B, and the description associated with Fig. 18B, does *not* disclose an element of "...not displaying data objects that do not contain data..."

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim is patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, as cited above, and of dependent claim 7 which includes the following novel language:

"The system of claim 1 wherein the dynamic population of the display device further comprises ***not displaying data objects that do not contain data***." (emphasis added)

Therefore, the Applicants respectfully and request reconsideration of the rejection of claim 7 under 35 U.S.C. §103(a) over ***Smith*** in view of ***Baldwin*** in view of the non-obviousness of claims 1 and 7.

3.3 Rejection of Claims 8-19:

The Office Action rejected dependent claims 8-19 based in part on the rationale used for the rejection of claim 1 under 102(b). However, as discussed above with respect to the rejection of claim 1, ***Smith*** fails to teach or describe at least one of the elements of the Applicants claimed invention. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying ***Smith*** in an attempt to address particular features of dependent claims 8-19 cannot serve to disclose the Applicants claimed invention where the ***Smith*** reference relied on by the Office Action fails to disclose the parent claim.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 8-19 under 35 U.S.C. §103(a) over ***Smith*** in view of ***Baldwin*** in view of the non-obviousness of claim 1, as cited above.

3.4 Rejection of Claims 32, 36, 37-39, and 47-52:

The Office Action rejected dependent claims 32, 36, 37-39, and 47-52 based in part on the rationale used for the rejection of claim 1 under 102(b). However, as discussed above with respect to the rejection of claims 1, 27 and 45, ***Smith*** fails to teach or describe

at least one of the elements of the Applicants claimed invention. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying *Smith* in an attempt to address particular features of dependent claims 32, 36, 37-39, and 47-52 cannot serve to disclose the Applicants claimed invention where the *Smith* reference relied on by the Office Action fails to disclose the parent claim.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claims 27, and 45, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 32, 36, 37-39, and 47-52, under 35 U.S.C. §103(a) over *Smith* in view of *Baldwin* in view of the non-obviousness of claims 27 and 45 as cited above.

4.0   Rejections of Claims 20-22, 40-41, and 53-54 under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, dependent claims 20-22, 40-41, and 53-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the *Smith* reference in view of *Baldwin*, and further in view of Shirakawa (U.S. Patent No. 5,956,738, hereinafter "*Shirakawa*").

In particular, with respect to claims 20-22, the Office Action suggests that *Shirakawa* discloses automatically computing the number of columns that will fit within the available space in the computer display device. The Office Action offers the Abstract of the *Shirakawa* reference as disclosing this particular feature. However, in contrast to the position advanced by the Office Action, *Shirakawa* does *not* appear to compute a number of columns. In particular, as described in column 12, lines 49-63:

"The articles are laid out on the article space with selecting the articles corresponding to the columns. *The columns in the article space are set by*

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the column generation section 101, which divides the article space into
some random areas as shown in FIGS. 5 and 7. The column setting data
are supplied to the column layout order generation section 102."

"The column generation section 101 generates the columns as follows. It
firstly determines the number of columns. *If the number of columns is*
uniquely specified in advance, such number is used. If not, a random
number 121 is read out from the random number generation section
104 within the predetermined range of values and the number of
columns is fixed with the read out random number 121. In the description
below, the lines to separate the columns are called "column lines". In the
example of FIGS. 2 and 3, there are two column lines. In the example of
FIGS. 2 to 7, the column lines are expressed as vertical lines."

Clearly, *Shirakawa* discloses using either a predefined number of columns, or a *randomly*
selected number of columns selected from a "predetermined range of values."

In contrast, the Applicants describe and claim *computing* a number of columns.
The Applicants respectfully suggest that the selection of a *random* number of columns
fails to disclose "automatically *computing* the number of columns that will fit within the
available space on the computer display device."

Consequently, no prima facie case of obviousness has been established in
accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re*
Fine. This lack of a prima facie showing of obviousness means that the rejected claim is
patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious
language of independent claim 1, as cited above, and of dependent claim 20 which
includes the following novel language:

"The system of claim 19 wherein a number of columns for displaying data
objects is determined by *automatically computing the number of columns*

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that will fit within the available space on the computer display device."
(emphasis added)

Therefore, the Applicants respectfully request reconsideration of the rejection of claims 20-22 under 35 U.S.C. §103(a) over *Smith* in view of *Baldwin* and in further view of *Shirakawa* in view of the non-obviousness of claims 1 and 20.

Claim 40 is rejected under similar rationale as that used for claim 20. Consequently the Applicants respectfully request reconsideration of the rejection of claim 40 on the same basis as that described above with respect to claims 1 and 20.

Claim 41 is rejected under similar rationale as that used for claim 22. Consequently the Applicants respectfully request reconsideration of the rejection of claim 41 on the same basis as that described above with respect to claims 1 and 20-22.

Claims 53 and 54 are rejected under similar rationale as that used for claim 22. Consequently the Applicants respectfully request reconsideration of the rejection of claims 53-54 on the same basis as that described above with respect to claims 1 and 20-22.

5.0   Rejections Under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, claims 24-25 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over the *Smith* reference in view of Fernandes (U.S. Patent No. 6,014,135, hereinafter "*Fernandes*").

The Office Action offers the *Fernandes* reference as disclosing the Applicants claimed elements relating to the use of pictures associated with particular data objects. However, as discussed above with respect to the rejection of claims 1 and 27, *Smith* fails to teach or describe at least one of the elements of the Applicants claimed invention. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying *Smith* in an attempt to address particular features of dependent claims 24-25

and 43 cannot serve to disclose the Applicants claimed invention where the **Smith** reference relied on by the Office Action fails to disclose the parent claims.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claims 1, and 27, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 24-25 and 43, under 35 U.S.C. §103(a) over **Smith** in view of **Fernandes** in view of the non-obviousness of independent claims 1 and 27, as cited above.

6.0   Rejections Under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, claims 26 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over the **Smith** reference in view of **Fernandes** and further in view of **Shirakawa**.

In particular, the Office Action offers the **Smith** reference as disclosing the use of priorities assigned to the pictures disclosed by **Fernandes**. However, as discussed above with respect to the rejection of claims 1 and 27, **Smith** fails to teach or describe the use of priority-based arrangement of data objects for filling the available space on a computer display device, among other things. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying **Smith** in an attempt to address particular features of dependent claims 26 and 44 cannot serve to disclose the Applicants claimed invention where the **Smith** reference relied on by the Office Action fails to disclose the parent claims.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims

are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claims 1, and 27, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 26 and 44, under 35 U.S.C. §103(a) over **Smith** in view of **Fernandes**, and in further view of **Shirakawa** in view of the non-obviousness of independent claims 1 and 27, and of dependent claims 24 and 43, respectively, as cited above.

7.0   Rejections Under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, claims 29-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over the **Smith** reference in view of Cushman, et al. (U.S. Patent No. 6,125,287, hereinafter "**Cushman**").

In particular, the Office Action offers the **Smith** reference as disclosing the use of priorities assigned to particular data elements. However, as discussed above with respect to the rejection of claim 27, **Smith** fails to teach or describe the use of priority-based data objects, among other claimed elements. Further, the Office Action offers col. 4, lines 54-56 and col. 5, lines 47-65 of **Cushman** as disclosing manually assigning priorities to individual elements of contact information in an electronic address book.

However, col. 4, lines 54-56 of **Cushman** explains "Searching proceeds from the beginning of the directory of frequently called numbers and then from the beginning of the main directory." Similarly, col. 5, lines 47-65 of **Cushman** explains:

> "It should be noted that the frequently called numbers directory operates substantially the same way, with regard to adding and deleting records and making a call, as the main directory. That is, when frequently called numbers is selected at the screen of FIG. 2a, a list of frequently called numbers appears in the same form as the screens shown in FIGS. 2h and 2i. Furthermore, when the user selects a record from the list of frequently called numbers, the record appears as shown in FIG. 2k. Note however that there

are eight memory locations for frequently called numbers. Therefore, the ninth and tenth entries in FIG. 2i would not apply.

To copy a record from one directory to another directory, the record is displayed such that the phone shows a screen such as FIG. 2k. From FIG. 2k, the user depresses the OPTions key twice to activate and display the third line in the task bar. With the left arrow key, the copy feature is launched, and the screen shown in FIG. 2q is displayed."

Clearly, the cited text of the *Cushman* reference is describing the use of a user created or modified list of frequently called numbers. However, the cited text is completely silent as to assigning user defined *priorities* to entries in the list of frequently called numbers. Consequently, the Applicants respectfully suggest that the text cited by the Office Action fails completely to support the argument that *Cushman* discloses manually assigning priorities to individual elements of contact information in an electronic address book.

Further, in view of the discussion provided above in Section 2.1, it is clear that modifying *Smith* in an attempt to address particular features of dependent claims 29-30 cannot serve to disclose the Applicants claimed invention where the *Smith* reference relied on by the Office Action fails to disclose the parent claims.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 27, as cited above, as well as the novel language of claims 29-30. Therefore, the Applicants respectfully reconsideration of the rejection of claims 29-30 under 35 U.S.C. §103(a) over *Smith* in view of *Cushman* in view of the non-obviousness of independent claim 27, and of dependent claims 29-30.

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8.0   Rejections Under 35 U.S.C. §103(a):

In the Office Action of July 22, 2003, claims 56-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over the *Smith* reference.

In particular, the Office Action offers the *Smith* reference as disclosing "automatically arranging and displaying as many of the data elements as will fit within a display area on the computer display device in order of highest priority to lowest priority...," and suggests that the use of pre-designated categories for shading or color coding particular displayed data elements would be obvious.

However, as discussed above with respect to the rejection of claim 45, *Smith* fails to teach or describe the use of priority-based arrangement of data objects for filling the available space on a computer display device, among other things. Consequently, in view of the discussion provided above in Section 2.1, it is clear that modifying *Smith* in an attempt to address particular features of dependent claims 56-57 cannot serve to disclose the Applicants claimed invention where the *Smith* reference relied on by the Office Action fails to disclose the parent claim.

Consequently, no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 45, as cited above. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 56-57 under 35 U.S.C. §103(a) over *Smith* in view of the non-obviousness of independent claim 45, as cited above.

CONCLUSION

In view of the above, it is respectfully submitted that claims 1-57 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-57, and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,

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